

REMARKS

Status of the Claims

Pending claims

Claims 1 to 7 are pending.

Claims added in the instant amendment

Claims 1 to 7 are canceled, without prejudice, and claims 8 to 41 are added.

Thus, after entry of the instant amendment, claims 8 to 41 will be pending and under consideration.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the new and amended claims. For example, support for claims directed to methods for treating feeds comprising phytate to lower the phytate content in the feed and increasing the amount of inorganic phosphorous in the feed, and, feeds comprising a recombinant phytase initially derived from a bacteria, e.g., an *E. coli*, can be found, inter alia, on page 10, lines 6 to 10, and 24 to 27. Support for claims directed to food supplements and methods for supplementing the diet of an animal by increasing the amount of inorganic phosphorous in an ingested feed comprising feeding to the animal a composition comprising a recombinant phytase, wherein the recombinant phytase is encoded by a nucleic acid derived from an *E. coli* bacteria, can be found, inter alia, on page 11, lines 26 to 30; page 20, lines 21 to 30. Support for claims directed to food supplements and methods for supplementing the diet of an animal by administering a transgenic plant or plant part comprising a recombinant phytase encoded by a nucleic acid derived from an *E. coli* bacteria, can be found, inter alia, on page 63, line 5 to page 69, line 22. Support for claims directed to food supplements as aqueous liquid formulations and drinkable foodstuffs can be found, inter alia, on page 69, line 24 to page 70, line 2.

Supplemental Information Disclosure Statement

Applicants thank the Examiner for considering the attached Supplemental Information Disclosure Statement (IDS) and the IDS submitted July 25, 2003, and initially the Forms PTO 1449s.

Applicant : Short, et al.
Serial No. : 10/034,985
Filed : December 21, 2001
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CONCLUSION

It is believed that the all claims pending in this application after entry of the instant amendment are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

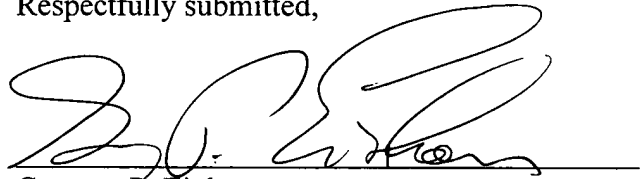
If an additional fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 03-1952. Please credit any overpayment to the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 720 5133.

Respectfully submitted,

Date:

Feb. 13, 2004



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